

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2  
3 JACK PETREE and ROBERT WIESEN,

4 Petitioners,

5  
6 v.

7 CITY OF BELLINGHAM,

8  
9 Respondent.

Case No. 08-2-0016c

**ORDER OF DISMISSAL**

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12 THIS Matter comes before the Board following notification that the parties entered into a  
13 Stipulation and Order of Dismissal on May 22, 2008. The stipulation states that that the  
14 above-entitled appeal has been settled. The petitioners wish to dismiss the Petition for  
15 Review that they filed under this case number.  
16

17 **DISCUSSION**

18 The Boards' Rules of Practice and Procedure provide that an action may be dismissed:

- 19 (1) When all parties stipulate;  
20 (2) Upon motion of the petitioner or respondent prior to the presentation of the  
21 respondent's case.  
22 (3) Upon motion by the respondent alleging that the petitioner has failed to prosecute  
23 the case, failed to comply with these rules, or failed to follow any order of the  
24 board; or  
25 (4) Upon a board's own motion for failure by the parties to comply with these rules or  
26 any order of the board.

27 WAC 242-02-720.

28 Here, the parties have moved for dismissal prior to the presentation of the County's case,  
29 based upon a settlement reached between the parties. Dismissal is appropriate.  
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31  
32

1 **ORDER**

2 Based on the foregoing, this case is hereby DISMISSED.

3  
4 DATED this 28th day of May, 2008.

5 \_\_\_\_\_  
6 James McNamara

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8 \_\_\_\_\_  
9 Holly Gadbow

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11 Pursuant to RCW 36.70A.300 this is a final order of the Board.

12 **Reconsideration.** Pursuant to WAC 242-02-832, you have ten (10) days from the  
13 mailing of this Order to file a petition for reconsideration. Petitions for  
14 reconsideration shall follow the format set out in WAC 242-02-832. The original and  
15 three copies of the petition for reconsideration, together with any argument in  
16 support thereof, should be filed by mailing, faxing or delivering the document directly  
17 to the Board, with a copy to all other parties of record and their representatives.  
18 Filing means actual receipt of the document at the Board office. RCW 34.05.010(6),  
19 WAC 242-02-330. The filing of a petition for reconsideration is not a prerequisite for  
filing a petition for judicial review.

20 **Judicial Review.** Any party aggrieved by a final decision of the Board may appeal the  
21 decision to superior court as provided by RCW 36.70A.300(5). Proceedings for  
22 judicial review may be instituted by filing a petition in superior court according to the  
23 procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil  
24 Enforcement. The petition for judicial review of this Order shall be filed with the  
25 appropriate court and served on the Board, the Office of the Attorney General, and all  
26 parties within thirty days after service of the final order, as provided in RCW  
27 34.05.542. Service on the Board may be accomplished in person, by fax or by mail,  
28 but service on the Board means actual receipt of the document at the Board office  
within thirty days after service of the final order.

29 **Service.** This Order was served on you the day it was deposited in the United States  
30 mail. RCW 34.05.010(1)

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Western Washington  
Growth Management Hearings Board  
905 24th Way SW, Suite B-2  
Olympia, WA 98502  
P.O. Box 40953  
Olympia, Washington 98504-0953  
Phone: 360-664-8966  
Fax: 360-664-8975